



DEPARTMENT OF THE NAVY

OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

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Ser DNS-36JP/14U106304

30 Sep 14

Ms. Inkoo Kang
MuckRock News
DEPT MR 2602
PO Box 55819
Boston, MA 02205-5819

Dear Ms. Kang:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT REQUEST;
FOIA CASE NUMBER DON2013F010555;
FOIA TRACKING NUMBER DON-NAVY-2013-000692

This is in reference to your Freedom of Information Act (FOIA) request dated January 29, 2013 (copy attached). Your request was received in our office on January 29, 2013.

Naval Special Warfare Command (NAVSPECWARCOM) and U.S. Navy Chief of Information (CHINFO) conducted a search and produced 140 pages of documents responsive to your request.

Upon review of the responsive documents, we have determined that portions of these documents contain information that is exempt from disclosure under 5 U.S.C. § 552. In this instance: (b)(3) restricts the release of information specifically exempted from disclosure by another statute; (b)(4) restricts the release of "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential"; (b)(5) restricts the release of "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with an agency" (e.g., attorney work-product privileged material, attorney-client privileged material, deliberative process privileged material, predecisional and/or working versions of documents); and (b)(6) restricts the release of information that would result in a clearly unwarranted invasion of an individual's personal privacy if released. Records are released to you with applicable exemptions cited in each instance of withheld information.

In this case, names, phone numbers, and email addresses are withheld under exemptions (b)(3) (where applicable) and (b)(6). Specifically, 10 U.S.C. § 130b covers personally identifying information regarding personnel in overseas, sensitive or routinely deployable units. A total of 19 pages are withheld in their entirety under exemption (b)(4). Four pages contain images of 8 pages from the book "Lone Survivor," a copyrighted work available for public purchase. Fifteen pages constitute a superseded draft of the production company's "one-line schedule," which provides a detailed breakdown of the filming of the movie (i.e., principal photography). Finally, a significant amount of internal discussion between DON personnel is withheld under exemption (b)(5), as it relates to predecisional discussions regarding sensitive matters, the disclosure of which would discourage frank and honest discussion in those situations where it is most needed.

Because your request is partially denied, you are advised of your right to appeal the denial of your request by writing to:

Office of the General Counsel
1000 Navy Pentagon Room 4E635
Washington DC 20350-1000

Your appeal must be postmarked within sixty calendar days from the date of this letter. A copy of your initial request and this letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this decision to be in error.

In this instance, the fees associated with the processing of this request were below the minimum threshold and have not been assessed. Please be advised, however, that fees, fee categories, and fee waivers are determined on a case-by-case basis, and a previous determination has no influence on future determinations.

Questions regarding the action this office has taken during the processing of your request may be directed to our FOIA service center at (202) 685-0412.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin Patterson", written in a cursive style.

ROBIN PATTERSON

Head, DON PA/FOIA Program Office